

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4166 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THAKOR BALAJI @ PRAHALADJI BACHUJI

Versus

STATE OF KARNATAKA

Appearance:

MR SG SHAH for Petitioner

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 03/03/97

ORAL JUDGEMENT

1. The matter is called out thrice, but neither the petitioner nor petitioner's advocate turn up. When the petitioner had come up before the court on the earlier date, it was made quite clear to the petitioner to satisfy this court as to how this court has jurisdiction to entertain the present petition. It is the case of the petitioner that the respondents had issued lottery tickets of Karnataka State bumper draw which was held on

11-8-95 at Manglore. It is his case that he is holding lottery ticket No.126004 of GIQ series for the 767th draw. It his claim that when he had made a claim for the prize on the strength of the said ticket, he was informed by the respondents that the ticket which he was holding was a forged and fabricated ticket. The petitioner himself has averred in his petition in para No 2.4 as under :

2.4 "That opponent No.1 has, with their letter dated 25-11-1995, provided to the petitioner a Xerox copy of letter dated 6-11-95 of opponent No.2 stating in its paragraph 5 on second page that the existing number " 126004 " of the lottery ticket mentioned at serial No.82 are written over the physically erased original numbers and that the original number of ticket is appears to be " 165782 " and that the alphabet "O" of GIO is altered to "Q" by addition of suitable stroke. "

It is the case of the petitioner that the ticket which he is holding is a genuine ticket. Thus, there is disputed question of fact, as to whether the ticket which the petitioner is holding is genuine or not which cannot be gone into in writ jurisdiction.

2. Then the respondents are not residing within the jurisdiction of this court. The tickets were issued by the respondents within the Karnataka State. It is not the claim of the petitioner that they have got any authorized agent to sell their tickets within the jurisdiction of this court. The draw of the lottery has also taken place beyond the jurisdiction of this court. Therefore, in the circumstances, this court will not have jurisdiction to entertain the present petition.

3. Thus, I hold that the present petition could not be entertained on both the grounds that there are complicated question of facts as well as the fact that this court has no jurisdiction to entertain this petition. I, therefore, dismiss this petition summarily with no orders as to costs.

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